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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,129	07/31/2006	Marco Roggero	DE040025US1	3813

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
PO BOX 3001  
BRIARCLIFF MANOR, NY 10510-8001

EXAMINER
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SARWAR, BABAR

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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10/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,129	<b>Applicant(s)</b> ROGGERO ET AL.	
	<b>Examiner</b> BABAR SARWAR	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 1, and 6 are** rejected under 35 U.S.C. 102(b) as being anticipated by Lutter (US 2002/0198653), hereinafter referenced as Lutter.

Consider **claim 1**, Lutter teaches a method of improving wireless communication between motor vehicles (Abstract, Para 0016, exhibited in figs. 1-2, 5, 7-8). Lutter further discloses that the motor vehicles transmit messages to a stationary unit (Portal, fig. 1, and exhibited in element 18), characterized in that in the stationary unit, the received messages are processed and new messages are generated (Para 17-19, 21, 23-25, and 27, exhibited in figs. 2, 3, 5).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutter (US 2002/0198653) in view of Aizono et al. (US 7010583) hereinafter referenced as Lutter and Aiz.

Consider **claim 2**, Lutter teaches everything claimed as applied above (see claim 1). Lutter discloses a method of wireless communication between motor vehicles (Abstract, Para 0016, exhibited in figs. 1-2, 5, 7-8). Lutter teaches that messages are transmitted to a portal (a stationary unit fig. 1, element 18) and received messages are processed and new messages are generated (Para 17-19, 21, 23-25, and 27, exhibited in figs. 2, 3, 5).

Lutter does not specifically disclose that the messages entering the stationary unit are filtered. Aiz teaches that the messages entering the stationary unit (road stations fig. 1 elements 121a-d) are filtered (Col. 13 lines 25-47 and exhibited in fig. 13).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Lutter by specifically providing the messages entering the stationary unit are filtered, as taught by Aiz, for the purpose of preventing the system from responding to identical messages.

Consider **claim 3**, Lutter teaches everything claimed as applied above (see claim 1). Lutter discloses a method of wireless communication between motor vehicles. Lutter teaches that messages are transmitted to a portal (fig. 1, element 18) and received messages are processed and new messages are generated (Abstract, Para 0016-19, 21, 23-25, and 27, exhibited in figs. 1-3, 5, 7-8). Lutter does not specifically teach that the incoming messages are stored in the stationary unit, and are checked in particular

Art Unit: 2617

with regard to topicality and/or type of information and/or priority and/or reliability and/or position of the motor vehicle. Aiz teaches that the incoming messages are stored in the stationary unit, and are checked in particular with regard to topicality and/or type of information and/or priority and/or reliability and/or position of the motor vehicle (Col. 1 lines 49-67, Col. 3 lines 32-61, Col. 6 lines 11-55, and Col. 7 lines 36-43, exhibited in figs. 2, 6, 8b, 9, 10a, 11, 12, 14).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Lutter by specifically providing that the incoming messages are stored in the stationary unit (road side stations), and are checked in particular with regard to topicality and/or type of information and/or priority and/or reliability and/or position of the motor vehicle, as taught by Aiz, for the purpose of expeditiously making decisions concerning the traffic/road conditions.

Consider **claim 4**, Lutter teaches everything claimed as implemented above (see claim 1). Lutter teaches a method of wireless communication between motor vehicles and a stationary unit (Abstract, Para 0016-19, 21, 23-25, and 27, exhibited in figs. 1-3, 5, 7-8). Lutter does not specifically teach that upon a request by a motor vehicle a specific message is generated in the stationary unit. Aiz discloses that upon a request by a motor vehicle a specific message is generated in the stationary unit (Col. 6 lines 56-61).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Lutter by specifically providing that upon a request by a motor vehicle a specific message is generated in the stationary unit, as

Art Unit: 2617

taught by Aiz, for the purpose of expeditiously facilitating the driver in making decisions concerning the traffic conditions.

3. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lutter (US 2002/0198653) in view of Aizono et al. (US 7010583), and further in view of Akutsu et al. (US 5987374), hereinafter referenced as Lutter and Aiz, and Akut.

Consider **claim 5**, Lutter discloses everything claimed as implemented above (see claim 1). Lutter teaches a method of wireless communication between motor vehicles and a stationary unit (Abstract, Para 0016-19, 21, 23-25, and 27, exhibited in figs. 1-3, 5, 7-8). Lutter does not specifically teach that the stationary unit is activated when a motor vehicle approaches. Akut discloses that the stationary unit (electronic wave tag fig. 4 exhibited in element 200) is activated when a motor vehicle approaches (Abstract, Col. 2 lines 47-67, Col. 2 lines 1-48).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Lutter by specifically providing that the stationary unit is activated when a motor vehicle approaches, as taught by Aiz, for the purpose of expeditiously facilitating the driver in making decisions concerning the traffic conditions.

Consider **claims 6**, the limitations of claim 6 are identical to those of claim 1. Therefore the claim 6 is interpreted and thus rejected for the same reasons implemented in the rejection of claim 1.

Consider **claims 7**, the limitations of claim 7 are identical to those of claim 2. Therefore the claim 7 is interpreted and thus rejected for the same reasons implemented in the rejection of claim 2.

Consider **claims 8**, the limitations of claim 8 are identical to those of claim 3. Therefore the claim 8 is interpreted and thus rejected for the same reasons implemented in the rejection of claim 3.

Consider **claims 9**, the limitations of claim 9 are identical to those of claim 4. Therefore the claim 9 is interpreted and thus rejected for the same reasons implemented in the rejection of claim 4.

Consider **claims 10**, the limitations of claim 10 are identical to those of claim 5. Therefore the claim 10 is interpreted and thus rejected for the same reasons implemented in the rejection of claim 5.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BABAR SARWAR whose telephone number is (571)270-5584. The examiner can normally be reached on MONDAY TO FRIDAY 09:30 A.M -05:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BABAR SARWAR/  
Examiner, Art Unit 2617  
September 29, 2008

/NICK CORSARO/  
Supervisory Patent Examiner, Art  
Unit 2617